IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 664/2007
KHAIL AHMED Vs. STATE OF RAJASTHAN & ORS.

DATE: 18.07.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. S.S. Rathore for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

****

The short controversy involved in this writ petition is that the petitioner was put under suspension vide order dated 14.06.2005 and at the time of incident the petitioner was posted as Sub Inspector at Police Station Piplu, District Tonk. Due to water demand for irrigation from Bisalpur Dam, a movement of local public had taken place at area nearby Piplu and Sohela. On 13.06.2006 an incident taken place at Sohela, District Tonk, wherein obeying the directions issued by the higher authorities as well as by the Executive Magistrate and controlling the situation of law and order, the police opened fire and five persons died in police firing. On 14.06.2005 the Superintendent of Police, Tonk exercising his power under Rule 13 of the CCA Rules, 1958, suspended the petitioner.

It is contended on behalf of the petitioner that till date no enquiry has been initiated against

the petitioner, on the contrary, the Superintendent of Police, District Tonk vide his letter dated 24.01.2007 recommended the case of the petitioner for revocation of the suspension order.

It is not disputed that recommendations are made by the police official for recalling the suspension order and the learned counsel also submits that the judicial enquiry was conducted but the report is not made public and it will be placed before the Assembly for approval and only thereafter the same can be made public, therefore, report cannot be submitted at this juncture. He further submits that suspension is not a penalty and the respondents are empowered to put any officer under suspension even in contemplation of the enquiry.

Be that as it may, without entering into the merits of the case, as the Superintendent of Police, District Tonk has recommended the case of the petitioner for withdrawal of the suspension order, at this moment, I deem it proper to allow the present writ petition and direct the respondents to reinstate the petitioner after withdrawing the suspension order dated 14.06.2005.

(K.S. RATHORE),J.

/KKC/